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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

v.

FRED MEYER STORES, INC., a Delaware
corporation; and JAIME SAN MIGUEL,

Defendants.

Case No. 1J-04-008-CV (RRB)

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**[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION
TO AGAIN REOPEN DISCOVERY**

Plaintiff filed a motion on November 8, 2006, seeking a order reopening discovery and other relief. Plaintiff has submitted his supporting pleadings and defendants have opposed the second motion for an order reopening discovery and other relief.

Plaintiff contends that defendants have withheld documents concerning disciplinary warnings issued to defendant Jaime San Miguel in January 2003, based on the recent testimony of a former human resources representative who left the employ of Fred Meyer over three years ago. Defendants rely on prior deposition testimony of Jaime San Miguel, Ken Haverkost and Johnna Havard, additional declarations from Mr. Haverkost and

Mr. San Miguel, and that no records contain any reference to a last and final written warning given to defendant San Miguel in January 2003.

Plaintiff's motion to reopen discovery for 120 days to do additional discovery and take depositions is DENIED.

Plaintiff still may depose Jaime San Miguel for a two-hour deposition consistent with the Court's prior Order of October 18, 2006. Prior to taking this deposition, however, plaintiff shall pay defendants \$1,000 to cover the non-refundable airfare cost incurred by defendants in reliance upon the deposition notice of Mr. San Miguel for November 2, 2006, in Juneau, Alaska, which was postponed by plaintiff.

DATED this ____ day of _____, 2006.

Ralph R Beistline
District Judge

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